

BOARD OF SUPERVISORS
COUNTY OF YORK
YORKTOWN, VIRGINIA

Ordinance

At a regular meeting of the York County Board of Supervisors held in the Board Room, York Hall, Yorktown, Virginia, on the ____ day of ____, 2004:

Present

Vote

Thomas G. Shepperd, Jr., Chairman
James S. Burgett, Vice Chairman
Walter C. Zaremba
Sheila S. Noll
Kenneth L. Bowman

On motion of ____, which carried ____, the following ordinance was adopted:

AN ORDINANCE TO AMEND CHAPTER 7.1 OF THE CODE OF THE COUNTY OF YORK, VIRGINIA, BUILDING REGULATIONS, PERTAINING TO AN INCREASE IN PERMIT FEES, INCORPORATION OF THE NEW 2000 UNIFORM STATEWIDE BUILDING CODE (USBC) PROVISIONS, DELETING THE REQUIREMENT FOR A LOCAL SURETY BOND FOR CONTRACTORS, IMPOSING A SURETY REQUIREMENT FOR THE ISSUANCE OF A TEMPORARY CERTIFICATE OF OCCUPANCY, REQUIRING A SURVEYOR'S CERTIFICATION OF FINAL LOT ELEVATIONS AND GRADES PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY, AND PROVIDING A NEW PROVISION FOR MAINTAINING A CLEAN BUILDING CONSTRUCTION SITE

BE IT ORDAINED by the York County Board of Supervisors, this ____ day of ____, 2004, that Chapter 7.1, Building Regulations, Code of the County of York be, and it is hereby, amended as follows:

ARTICLE I. IN GENERAL

Sec. 7.1-2. Conflicting requirements.

- (a) Wherever regulations contained in this chapter require or impose standards higher or more restrictive than those contained in any other statute or local ordinance or regulation, the provisions of this chapter shall govern.

- (b) Whenever the provisions of any other statute or local ordinance or regulation require or impose standards higher or more restrictive than those contained in this chapter, the provisions of such other statute or local ordinance or regulation shall govern.
- (c) Whenever two (2) or more of any of the provisions established by this chapter are found to be in conflict, the more restrictive provision shall govern.

Sec. 7.1-3. Adoption; amendments.

There is hereby adopted by reference in the county that certain code known as the Virginia Uniform Statewide Building Code (USBC) and all Virginia Administrative Amendments-Accumulative Supplements thereto in being as of August 15, 1974 or subsequently issued, and the whole thereof and the same is hereby incorporated herein as fully as if set out in length. Said code, as amended herein, shall control all matters set forth in section 7.1-1 above and all other functions which pertain to the installation of systems vital to all buildings and structures and their service equipment as defined by such code and shall apply to all existing and proposed structures in the county. Certain sections and subsections of the ~~Uniform Statewide Building Code~~ USBC are amended as follows:

- (a) ~~BOCA NATIONAL~~INTERNATIONAL BUILDING CODE:
 - (1) Wherever the parenthetical phrases "name of municipality" or "name of jurisdiction" appear, the words "County of York" shall be substituted therefor.
 - (2) Wherever the parenthetical phrase "date of adoption of this code" appears, the word and numbers "August 15, 1974" shall be substituted therefor.
- (b) INTERNATIONAL PLUMBING CODE:
 - (1) Wherever the parenthetical phrase "date of adoption of this code" appears, the word and numbers "August 15, 1974" shall be substituted therefor.
 - (2) Wherever the parenthetical phrases "name of municipality" or "name of jurisdiction" appear, the words "County of York" shall be substituted therefor.
 - (3) Section 305.6.1 Depth of Sewer 4"
- (c) INTERNATIONAL MECHANICAL CODE:
 - (1) Whenever the parenthetical phrase "date of adoption of this code" appears, the word and numbers "August 15, 1974" shall be substituted therefor.

- (2) Whenever the parenthetical phrase "name of municipality" or "name of jurisdiction" appears, the words "County of York" shall be substituted therefor.
- (d) NATIONAL ELECTRICAL CODE:
- (1) Wherever reference is made to governmental bodies or jurisdictions, the words "County of York" shall be deemed to apply.
- (2) Whenever the terms "authority having jurisdiction" or "competent authority" or terms similar in nature are used, they shall be deemed to mean the "building code official or a representative he/she may designate." Such representative shall normally be the electrical inspector.
- (e) ~~CABO ONE AND TWO FAMILY DWELLING~~INTERNATIONAL RESIDENTIAL CODE:
- (1) Table Nos. R-301.2 ~~a-(1) and R-301-4~~ in section R-301 of the subject code is amended by adding the following underlined words and numbers under each of the columnar headings as follows:
- | | |
|--|---|
| Roof live load, pounds per square foot | <u>20</u> |
| Roof snow load, pounds per square foot | <u>20</u> |
| Wind pressure in pounds per square foot | <u>35</u> |
| Seismic condition by zone | <u>1 A</u> |
| Wind Speed | <u>100mph (3 second wind gust)</u> |
| Subject to damage from: | |
| Weathering | <u>Yes, 12 inches Moderate</u> |
| Frost line depth | <u>Yes, 12 16 inches</u> |
| Termite | <u>Yes, Moderate to Heavy</u> |
| Decay | <u>Yes, Moderate to Severe</u> |
| Winter Design Temp | <u>Yes, 20</u> |

It is mandatory that the codes referenced in subsections (a) through (e) above be compared with and updated by the Virginia Administrative Amendments Supplements prior to final interpretation of any of the provisions of those codes.

Sec. 7.1-4. International Property Maintenance Code.

- (a) There is hereby adopted and amended as part of this chapter the following sections and articles of the ~~Virginia Uniform Statewide~~International Property Maintenance Code, (IPMC) adopted reference in Part III of the USBC, "Maintenance of Existing Structures", and all Virginia Administrative Amendments-Accumulative Supplements thereto in being as of July 1, 1992 or subsequently issued: Section 404-3.3 ("Cooking Facilities") which shall apply to any rooming or dormitory unit; Chapter ~~VI-6~~ in its entirety ("Mechanical and Electrical Requirements") which shall apply to all existing buildings, except single family

residential private dwellings which are not rented, leased or let; and Chapter ~~VII 7~~ in its entirety (“Fire Safety Requirements”) which shall apply to all buildings except those in use group R-3 and R-45, and Sections PM-108.0, and PM-110.0 which shall apply to all structures and associated equipment.

- (b) From and after the effective date of this chapter, the provisions of the “International Property Maintenance Code” adopted in subsection (a) above shall be enforced by the building code official and/or the fire code official when an unsafe condition is discovered by the building code official. The building code official and/or fire code official shall have authority to enforce those sections of the International Property Maintenance Code adopted above, with all those duties, powers, and immunities as specified in the Virginia Uniform Statewide Building Code. Enforcement shall be in accordance with Article VI of this chapter.
- (c) The Board of Building Code Appeals is hereby designated as the appeals board to hear appeals arising from the application of the provisions of the International Property Maintenance Code adopted above.

ARTICLE II. PERMITS, FEES AND INSPECTIONS

Sec. 7.1-8. Types of permits and fees.

Permits, inspections and fees shall be required for all work as established by the Virginia Uniform Statewide Building Code. Permit applications shall be made in writing on such forms as are prescribed by the building code official. A permit shall be issued by the building code official before any of the work or actions noted in the following sections is commenced.

Nothing in this chapter shall be construed to prevent the owner of any single-family dwelling from performing additions, alterations or repairs to the dwelling in which he or she resides. Such owner shall obtain all required permits and shall make all required tests of the completed work before approval of the work is granted by an inspector. No such installation shall be put into service prior to final approval by such inspector.

It shall be unlawful for any owner, lessee, agent or any person having any authority or duty in connection with any building or premises knowingly to employ or hire any person to perform any electrical, plumbing or building-related mechanical work in or upon such building or premises unless such person is a certified master in the field in which the work is to be performed, or qualifies for an exemption from certification under the provisions of the Virginia Board for Contractors’ Tradesman Certification Rules and Regulations. It shall also be unlawful for any contractor, firm or corporation to undertake or contract to perform any electrical, plumbing or building-related mechanical work in or upon any building or premises unless such contractor, firm or corporation is a state-registered contractor or is exempt from such registration by law, and such contractor, firm or corporation has in its employ a certified master in the field in

which the work is to be performed or qualifies for an exemption from certification under the provisions of ~~Section §~~54.1-1131 of the Code of Virginia.

- (a) *Building Permits.* A building permit shall be required for the following types and classes of activities. Electrical, plumbing, and mechanical work is not covered by a building permit and, if such work is to be performed, separate permits shall be obtained and the applicable fees shall be paid. No building permit shall be issued unless and until a certificate of zoning compliance, as required by this Code, has been obtained from the zoning administrator. Fees for building permits shall be as follows:

- (1) For new construction (including additions in all use groups).

Fee (Based on gross floor area, as defined in the ~~BOCA~~International
~~National~~Building Code)

0—500 square feet	\$ 55.00 <u>75.00</u>
501—1000 square feet	75.00 <u>95.00</u>
1001—1500 square feet	125.00 <u>155.00</u>
1501—2000 square feet	185.00 <u>225.00</u>
2001—2500 square feet	225.00 <u>265.00</u>
2501—3000 square feet	275.00 <u>315.00</u>
3001—3500 square feet	315.00 <u>355.00</u>
3501—4000 square feet	360.00 <u>400.00</u>
4001—4500 square feet	400.00 <u>440.00</u>
4501—5000 square feet	445.00 <u>485.00</u>
Greater than 5000 square feet, plus \$ 43 <u>47</u> .00 each 500 square feet, or fraction thereof, in excess of 5000 square feet.	445.00 <u>485.00</u>

- (2) Garages, sheds, decks and porches.

	<i>Fee</i>
0—250 square feet	\$ 30.00 <u>50.00</u>
Greater than 250 square feet <u>to 600</u>	55.00 <u>75.00</u>
<u>600 square feet to 1500 square feet</u>	<u>100.00</u>
<u>over 1500 square feet same as new base fee</u>	

- (3) For the alteration or repair of any building or structure; the construction or erection of piers, bulkheads, towers, swimming pools or pool systems; the installation of fire alarm systems; the installation of security or energy systems; the installation of site illumination; the removal of asbestos; and any other additions or alterations to these or similar structures or systems. (Fee is based on current value of all service, labor and materials.)

\$0.00—1000.00	\$30.00 <u>50.00</u>
1001.00—5000.00	50.00 <u>75.00</u>
Greater than \$5000.00 value:	55.00 <u>95.00</u>
plus \$25.00 <u>35.00</u> for each \$5000.00, or fraction thereof, of value in excess of \$5000.00.	

- (4) For the installation or erection of a manufactured (mobile) home, industrialized building unit, or moveable structure, the fee is ~~\$55.00~~75.00.
 - (5) For the placing of tents greater than 900 square feet and an occupant load of greater than 50 persons, the fee is:
 - a. Fee for each tent inspection ~~\$55.00~~75.00
 - b. Annual tent permit ~~\$150.00~~200.00
 - (6) For the demolition or razing of any building or structure serviced by Virginia Power and/or Virginia Natural Gas the fee is ~~\$35.00~~50.00.
 - (7) For the removal and placement of an existing building or structure, in part or in whole, from one location to another new location, whether or not the new location is on the same lot or parcel of land the fee is ~~\$60.00~~85.00.
 - (8) For the installation of fencing for swimming pools and around hazardous material, be it wood, metal, masonry or another material the fee is ~~\$30.00~~50.00.
 - (9) For construction not covered by any of the above, the permit fee shall be assessed and collected at the rate of one percent (1%) of the retail value or current market value of the work being done, provided that the minimum permit fee shall be ~~\$30.00~~50.00.
- (b) *Plumbing Permits.* A plumbing permit shall be required for any work which includes but is not limited to the installation or alteration of plumbing fixtures or water supply systems, and connections to any building drain, public or private sanitary sewage system or manufactured (mobile) home hook up.
- (1) New residential R-3 and R-4 and R-5 use groups, per dwelling unit - ~~\$57.00~~87.00 (Gas not included)
 - (2) Additions R-3 and R-4 and R-5 use groups per dwelling unit - ~~\$30.00~~50.00.
 - (3) New commercial (including additions) - ~~\$57.00~~87.00 plus ~~\$17.00~~21.00 for each additional bathroom group (sink, toilet and/or tub).
 - (4) Alterations and repairs (all use groups) per dwelling unit or bathroom group - ~~\$30.00~~50.00.

- (5) Water, sewer ~~and/or gas lines~~ - \$~~30.00~~50.00 plus \$~~20.00~~25.00 if a septic tank is abandoned.

(6) Gas Permit Fees:

<u>Gas Distribution Systems (Natural/LP)</u>	<u>Base Fee:</u>	<u>\$25.00</u>
<u>Each additional outlet</u>		<u>\$ 8.00</u>

LP Gas Tanks:

<u>0-500 Gallon</u>	<u>\$35.00 per tank</u>
<u>501 Gallons and over</u>	<u>\$45.00 per tank</u>

- (7) For plumbing permits not covered by any of the above, the permit fee shall be assessed and collected at the rate of one percent (1%) of the retail value or current market value of the work being done, provided that the minimum permit fee shall be \$~~30.00~~50.00.

FIRE PROTECTION FEES:

- ~~(6)~~(8) Fire-suppression/sprinkler systems for buildings ~~and/or kitchen hood~~:

<u>Value</u>	<u>Fee</u>
\$0.00 - 1000.00	\$ 30.00 <u>45.00</u>
1001.00 - 2000.00	46.00 <u>60.00</u>
Greater than \$2000.00 value:	46.00 <u>75.00</u>
plus \$ 10.00 <u>15.00</u> for each additional \$500.00	
or fraction thereof of value in excess	
of \$2000.00.	

<u>Fire Pumps</u>	<u>\$75.00 per pump</u>
<u>Standpipe System</u>	<u>\$40.00 per riser</u>
<u>Kitchen Systems</u>	<u>\$40.00 per hood</u>

- (c) *Electrical Permits.* An electrical permit shall be required for the following types and classes of activities. Fees for said permits shall be as indicated.

- (1) New residential (R-3 and R-4 and R-5 use group) fee is \$~~57.00~~87.00 per dwelling unit.
- (2) Commercial fee is \$~~55.00~~87.00. Greater than two hundred (200) amperes, the fee is \$~~55.00~~87.00 plus \$~~17.00~~21.00 for each additional fifty (50) amperes or fraction thereof in excess of two hundred (200) amperes.
- (3) Increasing the size of electrical service the fee is \$~~45.00~~60.00. Greater than four hundred (400) amperes the fee is \$~~45.00~~60.00 plus \$~~17.00~~21.00 for each additional fifty (50) amperes or fraction thereof in excess of four hundred (400) amperes.

- (4) For the addition or alteration of electrical fixtures or outlets in existing buildings or structures (provided however, that no outlet fee shall be assessed where a service upgrade is involved) the fee is \$~~30.00~~50.00.
 - (5) For the connection or reconnection of electrical service to a manufactured home, trailer or an industrialized building unit, the fee is \$~~20.00~~50.00.
 - (6) Temporary service fee is \$~~30.00~~50.00.
 - (7) For electrical permits not covered by any of the above, the permit fee shall be assessed and collected at the rate of one percent (1%) of the retail value or current market value of the work being done, provided that the minimum permit fee shall be \$~~30.00~~50.00.
- (d) *Mechanical Permits.* A Mechanical permit shall be required for the following types and classes of activities. Fees for said permits shall be as indicated.
- (1) For the installation, replacement, repair or alteration of mechanical systems or equipment, or freestanding fireplaces, solid fuel stoves, and other mechanical installations or alterations.
 - a. New residential (R-3 and R-4 and R-5 use groups) fee is \$~~57.00~~87.00 per dwelling unit (Gas not included).
 - b. Alterations, repairs, additions (R-3 and R-4 and R-5 use groups) fee is \$~~30.00~~50.00 per dwelling unit.
 - c. New commercial fee, including additions to existing systems ~~(for conditioned space)~~:

Fee

0—1000 square feet	\$30.00
1001—3000 square feet	58.00
Greater than 3000 square feet:	58.00
plus \$10.00 for each additional 500 square feet in excess of 3000 square feet.	
<u>Heat Pumps/AC/Furnace/Boiler:</u>	
<u>Up to 5 ton or 100K BTU</u>	<u>\$87.00 per unit</u>
<u>Each additional ton or 50K BTU</u>	<u>\$ 8.00</u>
<u>Air Handling Unit</u>	<u>\$50.00 per unit</u>
<u>Exhaust Fans/Air Distribution Boxes</u>	<u>\$50.00 per unit</u>
<u>Fire Damper</u>	<u>\$10.00 per damper</u>
<u>Refrigeration Units</u>	<u>\$40.00 per unit</u>
<u>Burner Conversion</u>	<u>\$40.00</u>
<u>Pumps (Circulation)</u>	<u>\$35.00 per unit</u>
<u>Fuel Dispensing Pump</u>	<u>\$40.00 per unit</u>
<u>Fuel Dispensing Piping</u>	<u>\$40.00 per line</u>

- d. Alterations and repairs (commercial) fee is \$~~40.00~~60.00.

e. Prefab fireplaces fee is ~~\$30.00~~ \$50.00.

- (2) Storage tanks for liquids ~~or gases~~- installation, removal or replacement per tank:

	Fee
0 0--550 gallon	\$30.00 <u>\$50.00</u>
0 over 550 gallon	90.00 <u>120.00</u>

- (3) Fee for kitchen hood (Including Duct and Fan) ~~is \$35.00~~
Type I (Grease and other hazards) \$75.00 per hood
Type II (Heat, Dishwasher) \$50.00 per hood

- (4) New Elevators, dumbwaiters, moving stairs and walks, man-lifts, hoisting or conveying equipment the fee is ~~\$110.00~~ 125.00 for each one installed.

- a. The owner/contractor shall be responsible for obtaining the permits and paying the requisite fee, and shall have the inspection performed by a certified individual in the presence of a county inspector.

(5) Gas Permit Fees:

<u>Gas Distribution Systems (Natural/LP)</u>	<u>Base Fee:</u>	<u>\$25.00</u>
<u>Each additional outlet</u>		<u>\$ 8.00</u>

LP Gas Tanks:

<u>0-500 Gallon</u>	<u>\$35.00 per tank</u>
<u>501 Gallons and over</u>	<u>\$45.00 per tank</u>

- ~~(5)~~ (6) For mechanical permits not covered by any of the above, the permit fee shall be assessed and collected at the rate of one percent (1%) of the retail value or current market value of the work being done, provided that the minimum permit fee shall be ~~\$30.00~~ \$50.00.

- (e) *Sign Permits.* A sign permit shall be required for the erection, relocation or structural alteration of all signs. No sign permit shall be issued unless and until a certificate of zoning compliance, as required by this Code, has been obtained from the zoning administrator. The fee for such permits shall be as follows:

- (1) For erection and/or relocation of signs, the fee shall be ~~\$40.00~~ 50.00 plus an amount based on the total square footage of all faces of the sign, as follows:

<u>Area of Sign Faces</u>	<u>Additional Fee</u>
0—50 square feet	\$15.00 <u>25.00</u>
51—100 square feet	25.00 <u>35.00</u>
101—300 square feet	35.00 <u>45.00</u>

Over 300 square feet ~~45.00~~ 55.00

- (2) For structural alterations the fee shall be \$~~25.00~~ 50.00 plus the applicable amount from the above table matching the increase, if any, in sign area.
- (3) In addition to the permits for material installation, if the sign is illuminated an electrical permit shall be required.

(f) *Miscellaneous permits:*

- (1) In addition to the permits for the installation of material, all elevators, dumbwaiters, moving stairways and man lifts shall be subject to an annual operating permit and inspection as required by the USBC. The owners/operators of establishments having such facilities shall be responsible for obtaining the permits, and for paying the requisite fee, at least thirty (30) days prior to the expiration of the then-in-effect annual permit. The applicant shall have the inspection performed by a certified individual in the presence of a county inspector and shall submit the inspection report to the building code official not later than thirty (30) days after the inspection has been conducted. In addition, all of the above shall be subject to the three- or five-year maintenance inspections required by the USBC.

a. Fee for annual inspection - \$~~46.00~~ 50.00

b. Fee for maintenance inspection - \$~~58.00~~ 63.00

- (2) In addition to the permits for material installation, all amusement devices and rides shall be subject to an annual permit and inspection, as required in the Amusement Device Regulations of the USBC, prior to each seasonal opening. The owner/operator of an establishment having such facilities shall be responsible for obtaining the permit and for paying the requisite fee, at least thirty (30) days prior to the expiration of the then-in-effect annual permit. In addition, all of the above shall be subject to the operation inspection as required in the Amusement Device Regulation of the USBC.

a. Fee for each ride for the annual inspection - \$~~40.00~~ 45.00

b. Fee for the operation inspection for the entire park or facility - \$~~150.00~~ 200.00

- (3) A permit and inspection shall be required for rides that consist principally of portable devices temporarily situated at a site, and as defined in the Virginia Amusement Device Regulations, as amended.

	<i>Fee</i>
Kiddie rides	\$15.00
Major Rides	25.00
Spectacular Rides	45.00

(4) A permit and inspections shall be required for any land disturbing activity in conjunction with the construction of a single family residence: Fee: \$50.00

(g) One Point Seventy Five Percent ~~(1%)~~ 1.75% Levy.

In addition to the fees prescribed in sections 7.1-8 (a through f), an additional fee equal to one point seventy five percent (1.75%) of the total permit fee shall be paid as prescribed in section ~~103.2~~ 110.1 of the USBC.

(h) Additional Fees.

(1) Whenever work is begun prior to the issuance of the required permits, the fee shall be doubled; however, such increase in fee shall not exceed ~~\$125.00~~ 150.00.

(2) Certificate of Occupancy

a.	change of building use	\$30.00 <u>50.00</u>
b.	temporary residential	30.00 <u>50.00</u>
c.	temporary commercial	50.00 <u>75.00</u>
d.	day care <u>inspection</u>	30.00 <u>50.00</u>
e.	<u>Adult Home inspection</u>	<u>50.00</u>

Sec. 7.1-9. General requirements and procedures.

(a) ~~To~~ By ~~whom applications~~ issuued are made; transferability. Applications for permits shall be made by the owner or lessee of the building or agent of either, or by the licensed professional engineer, architect, contractor or subcontractor, or their respective agents, employed in connection with the proposed work. Prior to the issuance of the permit, the applicant shall furnish evidence either of a license issued in accordance with chapter 11 of Title 54.1 of the Code of Virginia or acceptable evidence that the applicant is exempt from the provision of this chapter. Once issued, permits shall not be transferable to another owner, lessee or professional.

(b) *Application to be accompanied by plats and other documentation.* Applications for permits shall be accompanied by a plat plan showing, to scale, the size and location of all proposed new construction, distances from lot lines, the established street grades and the proposed finished grade, and location of private and public easements and rights-of-way. Construction within easements and rights-of-way shall be prohibited unless the applicant provides evidence that the owner or beneficiary of the easement or right-of-way has authorized the construction.

(c) *When permit becomes invalid; extensions of time.* Any permit issued shall become invalid if work on the site authorized by the permit is not commenced within six (6) months after issuance of the permit, or if the authorized work on

the site is suspended or abandoned for a period of six (6) months after the time of commencing the work, the failure to complete enough work to schedule an inspection during any six-month period may be grounds for finding that work has been abandoned or suspended; however, permits issued for building equipment such as plumbing, electrical and mechanical work shall not become invalid if the building permit is still in effect. Upon written request, and for good cause shown, the building code official may grant one (1) or more extensions of time not to exceed six (6) months per extension. The fee shall be \$~~30.00~~50.00 per extension.

- (d) *Plan examination fee.* Where plans bearing a licensed architect's or engineer's seal are required to be submitted pursuant to the standards set forth in section 54.1-~~400~~402 et.seq., Code of Virginia, and in the case of plans for multi-family dwellings, and in other situations where the building code official deems it necessary to require the submission of plans bearing the seal of a licensed architect or engineer, a non-refundable plan examination fee of \$~~125.00~~150.00 shall be charged. For all other building permits applied for that require a plan review fee of \$50.00 shall be paid at time of application. This plan review fee shall be applied towards the permit fee if building permit is issued within 90 days from date of application. If permit is not issued by the aforementioned time frame the plan review fee shall not be refunded nor applied towards a permit fee.
- (e) *Reinspection fee.* Whenever the building, electrical, plumbing or mechanical inspector is required to make a re-inspection of work because the permittee has requested an inspection before the work is ready for the inspection, or when the inspector cannot obtain reasonable and safe access to the work to be inspected, or address has not been posted on the construction site, there shall be a \$~~30.00~~50.00 re-inspection fee. Such fee shall be charged to the holder of the permit covering the work and shall be paid to the county at the office of Building Regulation prior to the re-inspection of such work.
- (f) *Submission of detailed cost estimate.* Where the provisions of this section require the payment of a fee based on the current value of all service, labor and materials, the building code official may require that a detailed cost estimate be submitted for review and approval as a prerequisite to the issuance of a permit.
- (g) *Conditions constituting basis for refunding of permit fee.* The building code official may authorize the refunding of any permit fee paid pursuant to this chapter upon application by the person who paid such fee, under the following conditions:
 - (1) If an applicant requests in writing the cancellation of a permit prior to the start of construction or to requesting any inspections, the permit fees, less a service charge of \$~~25.00~~30.00 and a plan review fee of \$~~25.00~~50.00, if applicable, shall be refunded.
 - (2) If an applicant requests in writing the cancellation of a permit after the work authorized by the permit has begun and inspections have been made, the permit fees, less a \$~~25.00~~30.00 service charge, a \$~~25.00~~50.00 charge

for each inspection made and a ~~\$25.00~~50.00 plans review fee, if applicable, shall be refunded.

- (3) The above provisions notwithstanding, no refund shall be made if six (6) months have expired since the issuance of the permit(s).

Sec. 7.1-10. Permit and fee exemptions.

- (a) Where the owner of any premises is the United States of America or the county, the payment of any permit fees, inspection fees or plan review fees established in sections 7.1-8 and 7.1-9 shall not be required.
- (b) Where the owner of any premises is an instrumentality of government, other than the United States of America or the county, an administrative processing fee of ~~\$125.00~~150.00 is required. The plan review shall be in accordance with Section 111.5.3.1 and the inspections shall be performed in accordance with Section 113.2.115.8.1 of the ~~Virginia Uniform Statewide Building Code~~USBC.
- (c) Minor construction, as identified herein, shall be exempt from the building permit requirements of section 7.1-8. Such exemptions shall not, however, have the effect of waiving any setback or other dimensional requirements of the York County Zoning Ordinance. Exempted minor construction shall include:
- (1) The erection of garden or utility sheds used for storage purposes not serviced by electricity and not exceeding one hundred-fifty (150) square feet gross floor area; the erection of a prefabricated wading pool less than two (2) feet in depth and not connected to utility lines; or the erection of a detached building designed as a children's playhouse having a gross floor area of less than one hundred-fifty (150) square feet, not exceeding a height of eight (8) feet, and located at grade level in the rear yard of a single family dwelling.
 - (2) Painting.
 - (3) Replacement of ~~Roofing~~ roof coverings in Group R3, R-4 and R-5 structures when not exceeding one hundred (100) square feet of roof area.
 - (4) Replacement of windows and doors within Group R-2 four stories or less and Groups R-3, R-4 and R-5. Glass installation, when not located within specific hazardous locations as defined in section 2405.2 of the BOCA Code, and all glass repairs in use group R-3 and R-4 buildings.
 - ~~(5) Doors, except those in fire-rated wall assemblies or fire-rated exitways.~~
 - ~~(6) Replacement of ~~Floor~~ floor coverings and porch flooring within Group R-2 four stories or less and Groups of R-3, R-4 and R-5.~~

- ~~(7)~~(5) Repairs to plaster, interior tile work, and other wall coverings in all occupancies.
 - ~~(8)~~(6) Cabinets installed in ~~residential~~ all occupancies.
 - ~~(9)~~(7) Tents and air supported structures of 900 square feet or less with an occupant load of 50 or less persons.
 - (8) Electric water heater replacement in Group R-2 four stories or less and Groups R-3, R-4 and R-5.
 - (9) Replacement of electrical switches, outlets, light fixtures and ceiling fans in Group R-2 four stories or less and Groups R-3, R-4 and R-5.
- (d) The erection of temporary tents, canopies or other types of fabric enclosures and associated electrical or mechanical installations by or for the benefit of charitable organizations to which the county is authorized to contribute shall be exempt from the permit and inspection fees required by this chapter. Such installations shall, however, be subject to all applicable technical and safety standards of this chapter as well as all applicable requirements of the county zoning ordinance.

Sec. 7.1-11. Inspections.

- (a) The building code official shall prescribe such inspections and surveys as may be necessary to secure compliance with the ~~Virginia Uniform Statewide Building Code~~ USBC, the Virginia Industrialized Building Unit and Manufactured Home Safety Law and Regulations, and such other regulations as shall properly fall within the enforcement responsibility of the office of the building code official. Such inspections shall include but are not limited to:
- (1) The bottom of footing trenches after all reinforcement steel is set and before any concrete is placed.
 - (2) ~~The installation of piling. The building code official may require that the installation of pile foundations be supervised by the owner's professional engineer or architect or by such other professional service as is approved by the building code official.~~
 - (3) ~~Reinforced concrete beams, or columns and slabs after all reinforcing is set and before any concrete is placed.~~
 - (4) Beams, floor joists, vents and anchor bolts before any subfloor is laid.
 - (5) Structural framing and fastenings, prior to covering with concealing materials.

- (6) All ~~concealed~~ electrical, mechanical and plumbing ~~work materials, equipment and systems~~ prior to ~~installation of any concealing materials~~ concealment.
- (7) Required insulating materials before covering with any materials.
- (8) Upon completion of the building, and before issuance of the certificate of occupancy, a final building inspection shall be made to ensure that any violations have been corrected and all work conforms with the USBC.
- (9) Where the construction cost is less than \$2,500.00, the inspection shall be permitted, at the discretion of the building code official, to be waived.
- (b) It shall be the responsibility of the permit holder or the permit holder's representative to notify the office of building regulation when the stages of construction are reached that require an inspection.
- (c) The building code official may, upon probable cause that a building code violation exists, inspect buildings and structures, whether permanent or temporary, after their completion and which are used to store hazardous materials or are occupied or to be used by twenty (20) or more persons who are employed, lodged, housed, assembled, served, entertained or instructed therein, or the common areas of residential structures containing four (4) or more units, including buildings owned by the Commonwealth or by any political subdivisions, and the equipment therein, to ensure compliance with the building code. The building code official shall also coordinate all reports of inspections with those from the fire and health officials prior to the issuance of an occupancy permit. In making these inspections the building code official shall enforce the building regulations that were in effect at the time the building was constructed.

Sec. 7.1-12. Certificate of use and occupancy.

- (a) A building, structure, mechanism or assembly, or part thereof, subject to the USBC when erected or installed shall not be used, occupied, operated or considered complete until a certificate of use and occupancy has been issued by the building code official.
- (b) No certificate of occupancy shall be issued until a certification by a licensed surveyor is presented to the building code official validating that the final established lot elevations and grades are consistent with the approved development plan.
- (c) A temporary certificate of occupancy may be issued at the discretion of the building code official and where such use or occupancy will not create an unsafe, unusable, or unhealthy condition. The owner or contractor shall execute a surety agreement with the building code official and provide a bond or cash surety in the amount of any unfinished work or certifications needed to obtain the final

Certificate of Occupancy, in accordance with Section 10-14 Erosion and Sediment Control, Code of the County of York.

ARTICLE III. SUPPLEMENTAL REGULATIONS

Sec. 7.1-13. Connections to electric or gas supply.

- (a) It shall be unlawful for any public utility company providing electric or gas service in the county to make or permit to be made any connections with its electrical or gas supply lines to any building, unless such electrical or gas piping installation in such building has been inspected and approved by the county.
- (b) In case of fire, natural disaster or other emergency, the building code official or his/her authorized representative, or any officer of the sheriff's department or the division of fire and rescue services, shall have the authority to order the applicable public utility company to disconnect-physically sever its electric or gas supply lines to any building or premises.
- (c) It shall be the duty of the public utility company to disconnect any building or premises from its electrical or gas supply lines upon an order issued under the provisions of this section. It shall be the further duty of such company to have a competent employee on duty at all times who shall promptly proceed to disconnect-physically sever electrical or gas services upon issuance of such an order.

Sec. 7.1-14. Provisions For Maintaining a Clean Building Construction Site.

The permit holder and property owner shall be responsible for removing construction debris on a daily basis or providing at every building construction site a dumpster or a screened area to deposit the construction debris. The construction debris deposited in either a dumpster or screened area shall be removed on an as needed basis during the construction process or period.

Sec. 7.1-~~14~~15. Provisions for water and sewage.

- (a) No permit shall be issued for the erection or construction of any new building or structure requiring wastewater disposal unless the owner of such property provides evidence to the satisfaction of the building code official that the premises has a permit for connection to the facilities of the county or that other facilities for sewage disposal, meeting all applicable requirements of this Code and the Virginia Department of Health, can and will be provided.
- (b) No permit shall be issued for the erection or construction of an addition to an existing building that is connected to a septic system when the proposed structure would be within five (5) feet of the septic tank and eight (8) feet of the drain field, measured horizontally.

- (c) Where health department approval of a septic system is made subject to conditions, the building code official shall require evidence of the recordation of such conditions in the office of the clerk of the circuit court prior to the issuance of a building permit. No building permit shall be issued for any construction, which would infringe on any septic system drainfield area designated pursuant to the terms of this Code and/or by requirement of the health department.
- (d) No permit shall be issued for the erection or construction of a building or structure that is to be serviced by a private ground water well as its primary source of potable water until the owner of such property provides evidence to the building code official from the Virginia Department of Health or from certified laboratories that the water has been tested and approved in accordance with existing federal and state water quality standards.

Sec. 7.1-~~1516~~ _____ Unsafe buildings, walls or structures; repair, removal.

- (a) Pursuant to the terms of section ~~15.1-11.2~~15.2-906, Code of Virginia, as it may be amended from time to time, the owners of property in the county shall, at such time or times as the building code official may prescribe, remove, repair or secure any building, wall or any other structure which might endanger the public health or safety of other residents of the county.
- (b) The building code official through his own agents or employees may remove, repair or secure any building, wall or any other structure which may endanger the public health or safety of other residents of the county when the owner and lien holder of such property, after reasonable notice and a reasonable time to do so, has failed to remove, repair or secure said building, wall or other structure. For the purposes of this section, repair may include maintenance work to the exterior of a building to prevent deterioration of the building or adjacent buildings. For purposes of this section, reasonable notice shall include a written notice (i) mailed by certified or registered mail, return receipt requested, sent to the last known address of the property owner and (ii) published in a newspaper once a week for two successive weeks having general circulation in the county ~~in accordance with the applicable provisions of section 15.1-504 Code of Virginia~~. No action shall be taken to remove, repair or secure any building, wall or other structure for at least thirty days following the later of the return of the receipt or newspaper publication.
- (c) In the event the building code official, through his own agents or employees, removes, repairs or secures any building, wall or any other structure after complying with the notice provisions of this section, the cost or expenses thereof shall be chargeable to and paid by the owner of such property and may be collected by the county as taxes and levies are collected.
- (d) Every charge authorized by this section with which the owner of any such property shall have been assessed and which remains unpaid shall constitute a lien against such property, ranking on a parity with liens for unpaid local taxes and enforceable in the manner as provided in Articles 3 (§58.1-3940, et. seq.) and 4

(§58.1-3965, et. seq.) of Chapter 39, of Title 58.1, Code of Virginia. The Board of Supervisors may waive such liens in order to facilitate the sale of the property. Such liens may be waived only as to a purchaser who is unrelated by blood or marriage to the owner and who has no business association with the owner. All such liens shall remain a personal obligation of the owner of the property at the time the liens were imposed.

Sec. 7.1-16. ~~Contractors Bond~~

- (a) ~~Every contractor registered by the state registration board of contractors, unless otherwise provided by law, shall maintain on deposit with the county a surety bond in the amount of ten thousand dollars (\$10,000.00) and approved as to form by the county attorney. Such bond shall be conditioned upon such contractor:~~
- ~~(1) Securing all permits and paying all fees for the performance of his work as a building contractor;~~
 - ~~(2) Properly performing his work;~~
 - ~~(3) Indemnifying and saving harmless the county and any person from all damage and expense that may be caused by any neglect or defective or inadequate work done in the county under his license as such building contractor or as shall be done otherwise in violation of law; and~~
 - ~~(4) Compensating any person suffering financial loss on account of such contractor's failure to perform any or all of the conditions designated (1) through (3) immediately hereinabove.~~

Sec. 7.1-17. Expansive Type Soil.

- (a) ~~The Soil Survey of James City County and York Counties and the City of Williamsburg, Virginia, issued April 1985, being a publication of the National Cooperative Soil Survey, shall be utilized as a preliminary basis to determine if a moderate to high potential for shrink-swell soils exists at a building site. If the soil survey maps of James City County and York Counties and the City of Williamsburg indicate moderate to high potential of shrink-swell soils, a site specific soil test shall be required.~~ Soil testing shall be performed by a qualified individual, who shall: (1) determine the number of borings required; (2) provide a report of the soil test results; (3) provide recommendations for foundation design. As an acceptable alternative, tests which were completed at the subdivision stage of development that have sufficient data to indicate that no additional testing is required on the building site for the building construction, may be accepted. When test results indicate the presence of expansive soil at the building site, the foundation for the proposed structure shall be designed by a registered design professional prior to any building permit being issued.
- (b) Additions to existing buildings that will not exceed 30% of the existing footprint area, and decks, shall not require a soil test.

- (c) The requirements for soil testing for non-habitable accessory structures not exceeding 600 square feet may be waived at the discretion of the building code official.

Secs. 7.1-18 —7.1-26. Reserved.

ARTICLE IV. BOARD OF BUILDING CODE APPEALS

Sec. 7.1-27. Purpose/Procedure.

- (a) The owner of a building or structure or his authorized agent, or any other person, firm or corporation directly involved in the design and/or construction of a building or structure, may appeal to the Board of Building Code Appeals within ninety (90) days from a decision of the building code official when it is claimed that:
 - (1) The building code official has refused to grant a modification which complies with the intent of the provisions of the USBC or the IPMC;
 - (2) The true intent of the USBC or the IPMC has been incorrectly interpreted;
 - (3) The provisions of the USBC or the IPMC, as the case may be, do not fully apply; or
 - (4) The use of a form of construction that is equal to or better than that specified in the USBC has been denied.
- (b) All applications to the board shall be in writing on such forms as may be prescribed by the building code official.
- (c) Each application shall be accompanied by a non-refundable fee of ~~\$200.00~~250.00.
